

1 **LAW OFFICES OF BRADLEY S. ROTHSCHILD, LLC**
2 Bradley S. Rothschild, Esq. (BR9628)
3 One University Plaza, Suite 408
4 Hackensack, New Jersey 07601
5 Tel: (845) 287-0011
6 Fax: (845) 684-0036
7 E-mail: brad@rothschildesq.com
8 Attorneys for Defendant Umit Sencan

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEW JERSEY**

12 CISCO SYSTEMS, INC., a California
13 Corporation,
14 170 W. Tasman Drive
15 San Jose, CA 95134

16 and
17

18 CISCO TECHNOLOGY, INC., a California
19 corporation,
20 170 W. Tasman Drive
21 San Jose, CA 95134

22 Plaintiffs,
23

24 vs.
25

26 UMIT INTERNATIONAL TRADING LLC dba
27 T-NET TECHNOLOGY, a New Jersey
28 corporation,
14 Village Park Road
Cedar Grove, NJ 07009

and
23

24 BEYIN INFORMATION
25 TECHNOLOGY LLC, a New Jersey
corporation,
United D, 1st Floor
39 Plymouth Street

Civil Action No. 2:18-cv-00883-ES-JAD

DEFENDANT UMIT SENCAN'S
ANSWER TO PLAINTIFFS'
COMPLAINT

1 Fairfield, NJ 07004

2 and

3 **BRYANT INFORMATION**
4 **TECHNOLOGY**, a New Jersey
5 corporation,
6 39 Plymouth Street
7 Unit D, 1st Floor
Fairfield, NJ 07004

7 and

8 CANDELA NETWORK LLC, a New York
9 corporation,
10 14 Village Park Road
Cedar Grove, NJ 07009

11 and

12 USELIM LLC, a New York
corporation,
14 Village Park Road
15 Cedar Grove, NJ 07009

16 and

17 Andy Kocabas, an individual,
239 Vernon Ave., Apt. 2
18 Paterson, NJ 07503

19 and

21 Umit Sencan, an individual,
115 Pearl Brook Drive
22 Clifton, NJ 07013

23 and

24 Sarvar Nurullaev, an individual,
25 15935 Bent Tree Forest Circle #2
Dallas, TX 75248

1 and
2
3 ABC CORPORATIONS 1-25,
4 and
5 DOES 1-50,
6 Defendants.
7

8 Defendant UMIT SENCAN answers plaintiffs CISCO SYSTEMS, INC. and CISCO
9 TECHNOLOGY INC.'s complaint, as follows:

10 **AS TO THE INTRODUCTION**

11 1. Admitted to the extent that plaintiffs state the nature of their claims, as the
12 complaint speaks for itself. Otherwise, answering the allegations of paragraph 1 of the
13 complaint, defendant has no information or belief sufficient to enable him to answer the
14 allegations of said paragraph, and basing his denials on that ground, denies each and every, all
15 and singular, generally and specifically, the allegations of said paragraph.

16 2. Answering the allegations of paragraph 2 of the complaint, defendant has no
17 information or belief sufficient to enable him to answer the allegations of said paragraph, and
18 basing his denials on that ground, denies each and every, all and singular, generally and
19 specifically, the allegations of said paragraph.

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22 **AS TO THE PARTIES**

23 3. Answering the allegations of paragraph 3 of the complaint, defendant has no
24 information or belief sufficient to enable him to answer the allegations of said paragraph, and
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1 basing his denials on that ground, denies each and every, all and singular, generally and
2 specifically, the allegations of said paragraph.

3 4. Answering the allegations of paragraph 4 of the complaint, defendant has no
4 information or belief sufficient to enable him to answer the allegations of said paragraph, and
5 basing his denials on that ground, denies each and every, all and singular, generally and
6 specifically, the allegations of said paragraph.

7 5. Answering the allegations of paragraph 5 of the complaint, defendant has no
8 information or belief sufficient to enable him to answer the allegations of said paragraph, and
9 basing his denials on that ground, denies each and every, all and singular, generally and
10 specifically, the allegations of said paragraph.

11 6. Answering the allegations of paragraph 6 of the complaint, defendant has no
12 information or belief sufficient to enable him to answer the allegations of said paragraph, and
13 basing his denials on that ground, denies each and every, all and singular, generally and
14 specifically, the allegations of said paragraph.

15 7. Answering the allegations of paragraph 7 of the complaint, defendant has no
16 information or belief sufficient to enable him to answer the allegations of said paragraph, and
17 basing his denials on that ground, denies each and every, all and singular, generally and
18 specifically, the allegations of said paragraph.

19 8. Answering the allegations of paragraph 8 of the complaint, defendant has no
20 information or belief sufficient to enable him to answer the allegations of said paragraph, and
21 basing his denials on that ground, denies each and every, all and singular, generally and
22 specifically, the allegations of said paragraph.

1 9. Answering the allegations of paragraph 9 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
5

6 10. Admitted as to Defendant's address. Otherwise, denied.

7 11. Answering the allegations of paragraph 11 of the complaint, defendant has no
8 information or belief sufficient to enable him to answer the allegations of said paragraph, and
9 basing his denials on that ground, denies each and every, all and singular, generally and
10 specifically, the allegations of said paragraph.
11

12 12. Answering the allegations of paragraph 12 of the complaint, defendant has no
13 information or belief sufficient to enable him to answer the allegations of said paragraph, and
14 basing his denials on that ground, denies each and every, all and singular, generally and
15 specifically, the allegations of said paragraph.
16

17 13. Answering the allegations of paragraph 13 of the complaint, defendant has no
18 information or belief sufficient to enable him to answer the allegations of said paragraph, and
19 basing his denials on that ground, denies each and every, all and singular, generally and
20 specifically, the allegations of said paragraph.
21

22 14. Answering the allegations of paragraph 14 of the complaint, defendant has no
23 information or belief sufficient to enable him to answer the allegations of said paragraph, and
24 basing his denials on that ground, denies each and every, all and singular, generally and
25 specifically, the allegations of said paragraph.
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15. Answering the allegations of paragraph 15 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

16. Admitted insofar as defendant is a citizen and resident of the State of New Jersey.
Defendant denies the balance of the allegations contained in this paragraph.

17. Answering the allegations of paragraph 17 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Otherwise, answering the allegations of paragraph 17 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

AS TO JURISDICTION

18. Answering the allegations of paragraph 18 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

19. Answering the allegations of paragraph 19 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and

basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

20. Answering the allegations of paragraph 20 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO VENUE

21. Answering the allegations of paragraph 21 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO THE FACTUAL ALLEGATIONS

22. Answering the allegations of paragraph 22 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

23. Answering the allegations of paragraph 23 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and

basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

24. Answering the allegations of paragraph 24 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

25. Answering the allegations of paragraph 25 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

26. Answering the allegations of paragraph 26 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

27. Answering the allegations of paragraph 27 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

28. Answering the allegations of paragraph 28 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

1 29. Answering the allegations of paragraph 29 of the complaint, defendant has no
2 information or belief sufficient to enable him to answer the allegations of said paragraph, and
3 basing his denials on that ground, denies each and every, all and singular, generally and
4 specifically, the allegations of said paragraph.
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6 30. Answering the allegations of paragraph 30 of the complaint, defendant has no
7 information or belief sufficient to enable him to answer the allegations of said paragraph, and
8 basing his denials on that ground, denies each and every, all and singular, generally and
9 specifically, the allegations of said paragraph.
10

11 31. Answering the allegations of paragraph 31 of the complaint, defendant denies
12 each and every, all and singular, generally and specifically, the allegations of said paragraph
13 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
14 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
15 each and every, all and singular, generally and specifically, the remaining allegations of said
16 paragraph.
17

18 32. Answering the allegations of paragraph 32 of the complaint, defendant denies
19 each and every, all and singular, generally and specifically, the allegations of said paragraph
20 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
21 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
22 each and every, all and singular, generally and specifically, the remaining allegations of said
23 paragraph.
24

25 33. Answering the allegations of paragraph 33 of the complaint, defendant has no
26 information or belief sufficient to enable him to answer the allegations of said paragraph, and
27
28

basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

34. Answering the allegations of paragraph 34 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

35. Admitted insofar as certain defendants exchanged correspondence with plaintiffs.
Defendant denies the balance of the allegations contained in this paragraph.

36. Answering the allegations of paragraph 36 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

37. Answering the allegations of paragraph 37 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

38. Answering the allegations of paragraph 38 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

39. Answering the allegations of paragraph 39 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

40. Answering the allegations of paragraph 40 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

AS TO COUNT I

Federal Trademark Infringement

15 U.S.C. § 1114(1)(a)

41. Answering the allegations of paragraph 41 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 40 of plaintiffs' complaint as if fully set forth herein.

42. Answering the allegations of paragraph 42 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

43. Answering the allegations of paragraph 43 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

44. Answering the allegations of paragraph 44 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

45. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

46. Answering the allegations of paragraph 46 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

47. Answering the allegations of paragraph 47 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

48. Answering the allegations of paragraph 48 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

49. Answering the allegations of paragraph 49 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT II

Federal Trademark Counterfeiting

15 U.S.C. § 1114(1)(b)

50. Answering the allegations of paragraph 50 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 49 of plaintiffs' first amended complaint as if fully set forth herein.

51. Answering the allegations of paragraph 51 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

52. Answering the allegations of paragraph 52 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

53. Answering the allegations of paragraph 53 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

1 54. Answering the allegations of paragraph 54 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
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8 55. Answering the allegations of paragraph 55 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
14

15 56. Answering the allegations of paragraph 56 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
21

22 57. Answering the allegations of paragraph 57 of the complaint, defendant denies
23 each and every, all and singular, generally and specifically, the allegations of said paragraph
24 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
25 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
26 each and every, all and singular, generally and specifically, the remaining allegations of said
27 paragraph.
28

each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT III

False Designation of Origin

15 U.S.C. § 1125(a)

58. Answering the allegations of paragraph 58 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 57 of plaintiffs' complaint as if fully set forth herein.

59. Answering the allegations of paragraph 59 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

60. Answering the allegations of paragraph 60 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

61. Answering the allegations of paragraph 61 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph

allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

62. Answering the allegations of paragraph 62 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT IV

Importation of Goods Bearing Infringing Marks or Names

15 U.S.C. § 1124

63. Answering the allegations of paragraph 63 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 62 of plaintiffs' complaint as if fully set forth herein.

64. Answering the allegations of paragraph 64 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

65. Answering the allegations of paragraph 65 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

66. Answering the allegations of paragraph 66 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

67. Answering the allegations of paragraph 67 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT V

New Jersey Trademark Counterfeiting

N.J.S.A. §§ 56.3-13.16

1 68. Answering the allegations of paragraph 68 of the complaint, defendant refers to
2 and incorporates his answer to the allegations of paragraphs 1 through 67 of plaintiffs' complaint
3 as if fully set forth herein.
4

5 69. Answering the allegations of paragraph 69 of the complaint, defendant denies
6 each and every, all and singular, generally and specifically, the allegations of said paragraph
7 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
8 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
9 each and every, all and singular, generally and specifically, the remaining allegations of said
10 paragraph.
11

12 70. Answering the allegations of paragraph 70 of the complaint, defendant denies
13 each and every, all and singular, generally and specifically, the allegations of said paragraph
14 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
15 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
16 each and every, all and singular, generally and specifically, the remaining allegations of said
17 paragraph.
18

19 71. Answering the allegations of paragraph 71 of the complaint, defendant denies
20 each and every, all and singular, generally and specifically, the allegations of said paragraph
21 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
22 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
23 each and every, all and singular, generally and specifically, the remaining allegations of said
24 paragraph.
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72. Answering the allegations of paragraph 72 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT VI

New Jersey Unfair Competition

N.J.S.A. §§ 56.4-1 et seq.

73. Answering the allegations of paragraph 73 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 72 of plaintiffs' complaint as if fully set forth herein.

74. Answering the allegations of paragraph 74 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

75. Answering the allegations of paragraph 75 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies

each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

76. Answering the allegations of paragraph 76 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

77. Answering the allegations of paragraph 77 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

78. Answering the allegations of paragraph 78 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT VII

Common Law Trademark Infringement

79. Answering the allegations of paragraph 79 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 78 of plaintiffs' complaint as if fully set forth herein.

80. Answering the allegations of paragraph 80 of the complaint, defendant has no information or belief sufficient to enable him to answer the allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the allegations of said paragraph.

81. Answering the allegations of paragraph 81 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

82. Answering the allegations of paragraph 82 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

1 83. Answering the allegations of paragraph 83 of the complaint, defendant denies
2 each and every, all and singular, generally and specifically, the allegations of said paragraph
3 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
4 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
5 each and every, all and singular, generally and specifically, the remaining allegations of said
6 paragraph.
7

8 84. Answering the allegations of paragraph 84 of the complaint, defendant denies
9 each and every, all and singular, generally and specifically, the allegations of said paragraph
10 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
11 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
12 each and every, all and singular, generally and specifically, the remaining allegations of said
13 paragraph.
14

15 85. Answering the allegations of paragraph 85 of the complaint, defendant denies
16 each and every, all and singular, generally and specifically, the allegations of said paragraph
17 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
18 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
19 each and every, all and singular, generally and specifically, the remaining allegations of said
20 paragraph.
21

22 86. Answering the allegations of paragraph 86 of the complaint, defendant denies
23 each and every, all and singular, generally and specifically, the allegations of said paragraph
24 allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to
25 answer the remaining allegations of said paragraph, and basing his denials on that ground, denies
26 each and every, all and singular, generally and specifically, the remaining allegations of said
27 paragraph.
28

each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AS TO COUNT VIII

Unjust Enrichment

87. Answering the allegations of paragraph 87 of the complaint, defendant refers to and incorporates his answer to the allegations of paragraphs 1 through 86 of plaintiffs' complaint as if fully set forth herein.

88. Answering the allegations of paragraph 88 of the complaint, defendant denies each and every, all and singular, generally and specifically, the allegations of said paragraph allegedly pertaining to him. Defendant has no information or belief sufficient to enable him to answer the remaining allegations of said paragraph, and basing his denials on that ground, denies each and every, all and singular, generally and specifically, the remaining allegations of said paragraph.

AFFIRMATIVE DEFENSES

Defendant alleges the following additional reasons plaintiffs are not entitled to recover anything against him:

1. The complaint and each alleged cause of action therein fails to state facts sufficient to constitute a cause of action against defendant.

2. The complaint and each alleged cause of action therein is barred by the failure of consideration and conditions precedent.

3. The complaint and each alleged cause of action therein is barred by the doctrine of unclean hands.

4. The complaint and each alleged cause of action therein is barred by the doctrine of laches.

5. The complaint and each alleged cause of action therein is barred by the statute of frauds.

6. The complaint and each alleged cause of action therein is barred by the parol evidence rule.

7. The complaint and each alleged cause of action therein is barred by the actions, inactions, delays in acting, and/or omissions of plaintiffs, which constitute an estoppel, waiver, release, and/or consent both in fact and in law.

8. The complaint and each alleged cause of action therein is barred by the applicable statutes of limitations.

9. The complaint and each alleged cause of action therein is barred in that any acts or omissions by defendant was in good faith and defendant had reasonable grounds for believing that his conduct did not violate any provision of state or federal laws or regulations.

10. Plaintiffs failed and neglected to use reasonable care to protect themselves and to minimize or mitigate the alleged injuries, losses, and damages, if any, which are denied.

11. Plaintiffs knowingly, voluntarily, and unreasonably assumed the risk of the conduct, events, and matters alleged in their first amended complaint, and any injuries, losses, or damages referred to in their complaint, if any there were, which are denied, was the direct and proximate result of the risks so assumed.

12. Should plaintiffs recover from defendant, defendant is entitled to indemnification, either in whole or in part, from all persons and/or entities whose negligence and/or fault contributed to plaintiffs' injuries, losses, and damages, if any, which are denied.

13. The complaint and each alleged cause of action therein is barred in that defendant was not the cause in fact or the legal and/or proximate cause of plaintiffs' injuries, losses, and damages, if any, which are denied.

14. The complaint and each alleged cause of action therein is barred in that plaintiffs acknowledged, ratified, consented to, and/or acquiesced in the alleged actions, inactions, delays in acting and/or omissions of defendant, if any, which are denied.

15. The complaint and each alleged cause of action therein are barred by the doctrine of unjust enrichment.

16. The complaint and each alleged cause of action therein is barred in that there is a defect or misjoinder of parties, lack of standing, and the failure to join all indispensable parties herein.

17. The complaint and each alleged cause of action therein is barred in that any injuries, losses, and damages which were allegedly suffered by plaintiffs, which are denied, was the result of the independent actions, inactions, delays in acting, omissions and/or fault of persons or entities other than defendant for which defendant was not and is not legally responsible, and defendant did not participate, partake or was otherwise involved in the purchase and sales of plaintiffs' alleged products.

18. The complaint and each alleged cause of action therein is barred by the doctrine of fair use.

1 19. The complaint and each alleged cause of action therein is barred by the first sale
2 doctrine.

3 20. The complaint and each alleged cause of action therein is barred by the
4 prior use doctrine.

5 21. The complaint and each alleged cause of action therein is barred in that any
6 alleged damages are speculative and uncertain and not the proximate result of any actions,
7 inactions, delays in acting, and/or omissions of defendant.

8 22. The complaint and each alleged cause of action therein is barred in that
9 plaintiffs do not own or control the rights allegedly giving rise to plaintiffs' claims against
10 defendant.

11 23. The complaint and each alleged cause of action therein is barred in that
12 plaintiffs abandoned their rights and registrations, if any, which are denied, through
13 discontinued use with the intent not to resume such use and/or through their course of conduct
14 that caused their rights and registrations, if any, which are denied, to become a generic name
15 for their products.

16 24. The complaint and each alleged cause of action therein is barred to the extent
17 plaintiffs seek to hold defendant liable as an innocent infringer, if any infringement there be,
18 which is denied.

19 25. The complaint and each alleged cause of action therein is barred to the extent
20 that plaintiffs' state common law claims and unfair competition and business practices claims
21 are preempted by federal law.

26. The complaint and each alleged cause of action therein is barred in that defendant's co-defendants were allegedly given permission and/or consent to buy and sell used, refurbished, and/or aftermarket products.

27. The complaint and each alleged cause of action therein fails to state facts sufficient to entitle plaintiffs to an award of attorney's fees against defendant.

28. The complaint and each alleged cause of action therein fails to state facts sufficient to entitle plaintiffs to an award of punitive damages against defendant.

29. Any award of punitive damages against defendant would violate his rights to due process under the United States and New Jersey Constitutions in that the standards and procedures by which a jury may award punitive damages allows the jury unlimited discretion in making its determination.

30. Plaintiffs do not describe their complaints herein with sufficient particularity to permit defendant to ascertain what other defenses may exist. Defendant reserves the right to assert all other defenses which may pertain to the first amended complaint as plaintiff's claims are clarified.

AS TO PLAINTIFFS' JURY DEMAND

Defendant denies that plaintiffs are entitled to a trial by jury on all issues in their complaint.

WHEREFORE, defendant pray for judgment as follows:

1. That plaintiffs take nothing by their complaint and that the same be dismissed;
 2. For defendant's costs of suit herein incurred;

3. For defendant's reasonable attorneys' fees; and
 4. For such other and further relief as this Court may deem just and proper.

DEFENDANT'S DEMAND FOR JURY TRIAL

Defendant hereby demands a trial by jury on all issues herein so triable.

Dated: September 20, 2018

THE LAW OFFICES OF
BRADLEY S. ROTHSCHILD, LLC

/s/ Bradley S. Rothschild
Bradley S. Rothschild, Esq.
One University Plaza, Suite 408
Hackensack, New Jersey 07601
Tel: (845) 287-0011
Fax: (845) 684-0036
E-mail: brad@rothschildesq.com
Attorneys for Defendant Umit Sencan